

REMARKS

This Supplemental Amendment and Reply Under 37 C.F.R. § 1.111 supplements the Amendment and Reply Under 37 C.F.R. § 1.111 filed December 15, 2003. This Supplemental Amendment corrects alleged deficiencies in the amendment format, which were discussed with the Examiner in a teleconference on December 18, 2003.

Applicant's undersigned representative appreciates the courtesy extended by the Examiner during the teleconference on December 18, 2003.

As stated in the earlier filed Amendment, Applicant respectfully submits that the pending claims are allowable. Applicant requests favorable reconsideration of the application in view of the foregoing amendments and the following remarks.

In accordance with 37 C.F.R. § 1.173(c), as of the date of this amendment, claims 27, 33-37, 48, 52, 58-60, 64, 65, 73, 79-83, 92, 93, 97, 103-105, 109, 110, 173-175, 181-189, and 195-201 are canceled. Claims 1-26, 28-32, 38-47, 49-51, 53-57, 61-63, 66-72, 74-78, 84-91, 94-96, 98-102, 106-108, 111-172, 176-180, 190-194, and 202-205 are pending.

Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter in claims 1-26, 28-32, 38-47, 49-51, 53-57, 61-63, 66-72, 74-78, 84-91, 94-96, 98-102, 106-108, 111-160, 162-172, 176-180, and 190-194.

The preamble of claims 22, 51, 68, 96, 113, 114, 117, 129, 165-172, 176, 179, 190, and 193 has been amended to improve the form of the claims.

The Examiner objected to claims 36, 37, 82, and 83 for failing to further limit the subject matter of a previous claim. To expedite prosecution of this application, Applicant has canceled claims 36, 37, 82, and 83, without prejudice or disclaimer.

The Examiner rejected claim 161 under 35 U.S.C. § 112, contending that there is no basis in the original disclosure for the step of deforming the blood vessel because the specification defines "deformed" as subjecting the material from which the graft 100 is made "to a force . . . greater than the elastic limit of the material." (U.S. Patent No. 5,556,414, col. 8, lines 46-50.) Applicant has amended claim 161 to replace "deforming" the blood vessel with "expanding" the blood vessel. This amendment is supported by the specification at, for example, col. 8., lines 1-12.

The Examiner rejected claims 33-37, 48, 58-60, 64, 65, 79-83, 92, 93, 103-105, 109, 110, 173-175, 181-189, and 195-201 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,693,085 (Buirge). To expedite prosecution of this application, this Amendment cancels those claims without prejudice or disclaimer.

Applicant has added claims 202-205. Those claims are similar to allowed claims 22, 68, 165, and 167, respectively, except in the new claims the phrase "for insertion into a body" has been removed from the preamble and the phrase "when the assembly is inserted in a body" has been added to the body of the claim. The new claims are believed to be patentable.

CONCLUSION

For the aforementioned reasons, claims 1-26, 28-32, 38-47, 49-51, 53-57, 61-63, 66-72, 74-78, 84-91, 94-96, 98-102, 106-108, 111-172, 176-180, 190-194, and 202-205 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

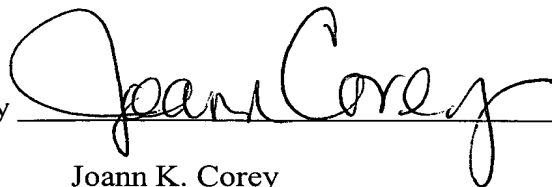
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

12/22/03

By



Joann K. Corey
Registration No. 52,769
Agent for Applicant

Customer Number: 22428
FOLEY & LARDNER
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Version with Markings to Show Changes Made

22. (Four Times Amended) An assembly for [insertion into] use within a body comprising:

an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel disposed adjacent to the interior surface of the expandable member.

33. (Canceled)

34. (Canceled)

35. (Canceled)

36. (Canceled)

37. (Canceled)

48. (Canceled)

51. (Amended) A method of preparing a graft prosthesis for [insertion into] use within a body comprising the steps of:

providing an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable from a first geometrically stable configuration to a second geometrically stable configuration; and

providing a blood vessel adjacent to the interior surface of the expandable member.

58. (Canceled)

59. (Canceled)

60. (Canceled)

64. (Canceled)

65. (Canceled)

68. (Amended) An assembly for [insertion into] use within a body comprising:

a deformable member having an interior surface defining a longitudinal passage, the deformable member being deformable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel disposed adjacent to the interior surface of the deformable member.

79. (Canceled)

80. (Canceled)

81. (Canceled)

82. (Canceled)

83. (Canceled)

92. (Canceled)

93. (Canceled)

96. (Five Times Amended) A method of preparing a graft prosthesis for [insertion into] use within a body comprising the steps of:

providing a deformable member having an interior surface defining a longitudinal passage, the deformable member being deformable from a first geometrically stable configuration to a second geometrically stable configuration; and

providing a blood vessel adjacent to the interior surface of the deformable member.

103. (Canceled)

104. (Canceled)

105. (Canceled)

109. (Canceled)

110. (Canceled)

113. (Three Times Amended) An assembly for [insertion into] use within a body comprising:

an expandable stent that is expandable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel configured to avoid exposure of the expandable stent to circulating body fluids when the assembly is inserted into the body.

114. (Three Times Amended) An assembly for [insertion into] use within a body comprising:

a deformable stent that is deformable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel configured to avoid exposure of the deformable stent to circulating body fluids when the assembly is inserted into the body.

117. (Three Times Amended) An assembly for [insertion into] use within a body to form a portion of a body passageway comprising:

an expandable member that is expandable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel disposed adjacent to the expandable member,

wherein the assembly is constructed such that the assembly forms the portion of the body passageway after expansion of the expandable member.

129. (Three Times Amended) An assembly for [insertion into] use within a body to form a portion of a body passageway comprising:

a deformable member that is deformable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel disposed adjacent to the deformable member,
wherein the assembly is constructed such that the assembly forms the portion of the body passageway after deformation of the deformable member.

161. (Twice Amended) The method of claim 153, wherein the step of deforming the deformable member includes [deforming] expanding the blood vessel.

165. (Twice Amended) An assembly for [insertion into] use within a body comprising:

an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable to an extent necessary to secure the expandable member relative to a body passageway; and

a blood vessel disposed adjacent to the interior surface of the expandable member.

166. (Twice Amended) A method of preparing a graft prosthesis for [insertion into] use within a body comprising the steps of:

providing an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable to an extent necessary to secure the expandable member relative to a body passageway; and

providing a blood vessel adjacent to the interior surface of the expandable member.

167. (Twice Amended) An assembly for [insertion into] use within a body comprising:

a deformable member having an interior surface defining a longitudinal passage, the deformable member being deformable to an extent necessary to secure the deformable member relative to a body passageway; and

a blood vessel disposed adjacent to the interior surface of the deformable member.

168. (Twice Amended) A method of preparing a graft prosthesis for [insertion into] use within a body comprising the steps of:

providing a deformable member having an interior surface defining a longitudinal passage, the deformable member being deformable to an extent necessary to secure the deformable member relative to a body passageway; and

providing a blood vessel adjacent to the interior surface of the deformable member.

169. (Twice Amended) An assembly for [insertion into] use within a body comprising:

an expandable stent that is expandable to an extent necessary to secure the expandable stent relative to a body passageway; and

a blood vessel configured to avoid exposure of the expandable stent to circulating body fluids when the assembly is inserted into the body.

170. (Twice Amended) An assembly for [insertion into] use within a body comprising:

a deformable stent that is deformable to an extent necessary to secure the deformable stent relative to a body passageway; and

a blood vessel configured to avoid exposure of the deformable stent to circulating body fluids when the assembly is inserted into the body.

171. (Twice Amended) An assembly for [insertion into] use within a body to form a portion of a body passageway comprising:

an expandable member that is expandable to an extent necessary to secure the expandable member relative to the body passageway; and

a blood vessel disposed adjacent to the expandable member,
wherein the assembly is constructed such that the assembly forms the portion of the body passageway after expansion of the expandable member.

172. (Twice Amended) An assembly for [insertion into] use within a body to form a portion of a body passageway comprising:

a deformable member that is deformable to an extent necessary to secure the deformable member relative to the body passageway; and

a blood vessel disposed adjacent to the deformable member,
wherein the assembly is constructed such that the assembly forms the portion of the body passageway after deformation of the deformable member.

173. (Canceled)

174. (Canceled)

175. (Canceled)

176. (Amended) An assembly for [insertion into] use within a body comprising:

an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable from a first geometrically stable configuration to a second geometrically stable configuration; and

a tissue disposed adjacent to the interior surface of the expandable member,

wherein the tissue comprises a body tissue,
wherein the body tissue comprises a blood vessel.

179. (Amended) An assembly for [insertion into] use within a body comprising:
an expandable member having an interior surface defining a longitudinal passage, the
expandable member being expandable from a first geometrically stable configuration to a
second geometrically stable configuration; and

a tissue disposed adjacent to the interior surface of the expandable member,
wherein the tissue comprises a tubular structure,
wherein the tubular structure comprises a mammalian blood vessel.

181. (Canceled)

182. (Canceled)

183. (Canceled)

184. (Canceled)

185. (Canceled)

186. (Canceled)

187. (Canceled)

188. (Canceled)

189. (Canceled)

190. (Amended) An assembly for [insertion into] use within a body comprising:
a deformable member having an interior surface defining a longitudinal passage, the
deformable member being deformable from a first geometrically stable configuration to a
second geometrically stable configuration; and

a tissue disposed adjacent to the interior surface of the deformable member,
wherein the tissue comprises a body tissue,
wherein the body tissue comprises a blood vessel.

193. (Amended) An assembly for [insertion into] use within a body comprising:
a deformable member having an interior surface defining a longitudinal passage, the
deformable member being deformable from a first geometrically stable configuration to a
second geometrically stable configuration; and

a tissue disposed adjacent to the interior surface of the deformable member,
wherein the tissue comprises a tubular structure,
wherein the tubular structure comprises a mammalian blood vessel.

195. (Canceled)

196. (Canceled)

197. (Canceled)

198. (Canceled)

199. (Canceled)

200. (Canceled)

201. (Canceled)

202. (New) An assembly comprising:

an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel disposed adjacent to the interior surface of the expandable member when the assembly is inserted in a body.

203. (New) An assembly comprising:

a deformable member having an interior surface defining a longitudinal passage, the deformable member being deformable from a first geometrically stable configuration to a second geometrically stable configuration; and

a blood vessel disposed adjacent to the interior surface of the deformable member when the assembly is inserted in a body.

204. (New) An assembly comprising:

an expandable member having an interior surface defining a longitudinal passage, the expandable member being expandable to an extent necessary to secure the expandable member relative to a body passageway; and

a blood vessel disposed adjacent to the interior surface of the expandable member when the assembly is inserted in a body.

205. (New) An assembly comprising:

a deformable member having an interior surface defining a longitudinal passage, the deformable member being deformable to an extent necessary to secure the deformable member relative to a body passageway; and

a blood vessel disposed adjacent to the interior surface of the deformable member when the assembly is inserted in a body.